

~~[R590]~~**R592.** Insurance, ~~[Administration]~~Title and Escrow Commission.

~~[R590-187]~~**R592-10.** ~~[Assessment of]~~Title Insurance Regulation Assessment for Title Insurance Agencies and Title Insurers ~~[for Costs Related to Regulation of Title Insurance]~~.

~~[R590-187-1]~~**R592-10-1. Authority.**

This rule is promulgated by the Title and Escrow Commission (Commission) ~~[commissioner]~~ pursuant to Subsections ~~[31A-2-201(3)]~~:

(1) 31A-2-404(2)(d) which requires the Commission to determine by rule the assessment required by 31A-23a-415; and

(2) 31A-23a-415(2)(d) which requires the Commission to establish the amount of costs and expenses that will be covered by the assessment.

~~[R590-187-2]~~**R592-10-2. Purpose and Scope.**

(1) The purposes of this rule ~~[is]~~are to:

~~[(1)]~~(a) ~~[to]~~establish the categories of costs and expenses incurred by the department in administering, investigating and enforcing the provisions of Title 31A, Chapter 23a, Parts IV and V related to the marketing of title insurance and the audits of title agencies;

~~[(2)]~~(b) ~~[to]~~require the reporting by a title insurance agency and a title insurer of the mailing address and physical location of each office in each county where the title agency or title insurer maintains an office~~[determine a filing date for each title insurance agency or insurer to report to the commissioner the number of counties in which a title insurance agency or a title insurer maintains offices];~~

~~[(3)]~~(c) ~~[to establish a deadline for the payment of the assessment,]~~establish a calculation method for the calculation of the number of title insurance agency or title insurer offices; and

~~[(4)]~~(d) ~~[to]~~determine the premium year used in calculating the assessment of title insurers.

~~[R590-187-3. Scope.]~~

(2) This rule applies to all title insurers~~[7]~~ and title insurance agencies.

~~[R590-187-4]~~**R592-10-3. Definitions.**

(1) For the purpose of the rule the ~~[commissioner]~~Commission adopts the definitions as set forth in Sections 31A-1-301, 31A-2-402, and the following:

~~[(1)]~~ "Office" means headquarters of an agency or company.

~~[(2)]~~(a) "[~~Branch~~]Office" means each physical location of a title insurance agency or a title insurer in a county~~[local or area office of the headquarters of an agency or company]~~. Office includes any physical location that is open and available to the public.

~~[R590-187-5]~~**R592-10-4. Costs and Expenses.**

~~[(1)]~~The amount of costs and expenses that will be covered by the assessment imposed by 31A-23a-415 for any fiscal year in which an assessment exists;

(1) will be for a Market Conduct Examiner I as determined by

the department's budget as approved by the Utah State Legislature, including any approved salary increases or increases in benefits; and

(2) will include the following expenses:

(a) ~~[consist of the]~~ salary and state paid benefits;

(b) travel expenses, including daily vehicle expenses;

(c) computer hardware and software expenses;

(d) e-commerce expenses; [ and]

(e) wireless communications expenses; and

(f) training expenses~~[for a Market Conduct Examiner I as determined by the department's budget as approved by the Utah State Legislature and would include any salary increases or increases in benefits].~~

**[R590-187-6] R592-10-5. [Reporting of Counties] Office Report.**

(1) A title insurance agency and a title insurer shall~~[deliver to the commissioner,]~~submit a completed Office Report Form not later than 30 days after the date a change described below occurs in a county where the title insurance agency or title insurer maintains an office: [a Branch Office Report within 30 days of]

(a) the opening or closing of [any] an office; [ ]

(b) ~~[of any]~~ a change of address of an office; [ ] or

(c) a change in [branch] the manager of an office.

(2) [Branch Office Report form is available from the department, or from the department's web page. This form shall be utilized in reporting the office information required by this rule.] An Office Report Form shall be submitted electronically via email to [licensing.uid@utah.gov](mailto:licensing.uid@utah.gov).

(3) The department's Office Report Form, which is available on the department's website, shall be used to report changes in offices.

(a) An actual copy of the form may be used or may be adapted to a particular word processing system.

(b) If adapted, the content, size, font, and format must be similar.

**R592-10-6. Calculation Method for the Calculation of the Number of Title Insurance Agency Offices.**

(1) All offices reported in accordance with Section R592-10-5 will be included in the calculation of the title insurance assessment.

(2) An annual assessment calculation for a title insurance agency or title insurer that is calculated using incorrect numbers of offices because the number of offices was incorrectly reported will not be recalculated.

(3) A title insurance agency or title insurer found to have improperly reported their offices may be subject to penalties in accordance with Section R592-10-9.

**~~[R590-187-7]~~ R592-10-7. Premium Year for Title Insurer Assessment.**

(1) The title insurance assessment shall be calculated using direct premiums written during the preceding calendar year.

(2) The direct premiums written shall be taken from the

insurer's annual statements for that year.

**[R590-187-8]R592-10-8. Assessment Payment[-Deadline].**

(1) An annual assessment shall be paid by the due date on the invoice.

(2) Payments shall be made in accordance with R590-102, Insurance Department Fee Payment Rule.

[Payment.-

——(1) Checks shall be made payable to the Utah Insurance Department. A check that is dishonored in the process of the collection will not constitute payment of the fee for which it was issued and any action taken pursuant to the fee payment will be negated. Any late fees or penalties will apply until proper payment is made. Tender of a check to the department, that is subsequently dishonored, is a violation of this rule.

——(2) Cash payments. The department is not responsible for un-receipted cash that is lost or miss delivered.

——(3) Electronic payments.

——(a) Credit Card. Credit cards may be used to pay any fee due to the department. Credit card payments that are dishonored will not constitute payment of the fee and any action taken based on the payment will be negated. Late fees and other penalties, resulting from the negated action, will apply until proper payment is made. A credit card payment that is dishonored is a violation of this rule.

——(b) Automated clearinghouse (ACH). Payers or purchasers desiring to use this method must contact the department for the proper routing and transit information. Payments that are made in error to, or which are received by another agency or that are not deposited into the department's account will not constitute a legal remittance of the fee and any action taken based on such tender will be deemed to not meet obligations under this rule. Late fees and other penalties resulting from the negated action will apply until proper payment is made. An ACH payment that is dishonored is a violation of this rule.]

**R592-10-9. Penalties.**

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.

**[R590-187-9]R592-10-10. Enforcement Date.**

The commissioner will begin enforcing the revised provisions of this rule 45 days from the rule's effective date.

**[R590-187-10]R592-10-11. Severability.**

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity will not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: title insurance**

Date of Enactment or Last Substantive Amendment: [~~January 8,~~  
~~2004~~]2009

Notice of Continuation: September 2, 2003

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-  
23a-415